

SECTION II—REMARKS

Applicants thank the Examiner for a thorough review, and respectfully request reconsideration of the above referenced patent application for the following reasons:

Claims 1-27 rejected under 35 U.S.C. § 102(e)

The Office Action rejected claims 1-27 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,697,967 to Robertson (“Robertson”). Applicants respectfully submit that claims 1-27 are canceled herein, and thus, the rejection of claims 1-27 is moot. However, Applicants respectfully submit that new claims 28-54 presented herein are not anticipated by Robertson, and are in condition for allowance.

New independent claims 28-29, 32-38, 41-47, and 50-54;

New independent claim 28 recites in pertinent part:

... sending a plurality of predetermined inputs to a first instance of an application ... receiving a plurality of outputs from the first instance of the application responsive to the predetermined inputs; and **associating each output with one of the predetermined inputs**, each output establishing a proper response from the application to compare with results from a second instance of the application.

The Office Action relies on Robertson in its rejection of now canceled independent claim 8 as disclosing “transmitting business layer data and associated operations to ... an application (Fig. 6, Element 42),” and “receiving business layer results ... at a test control program (col. 7, lines 17-23).” Refer to the Office Action at page 4. Robertson does describe “forward[ing] the test script through a central server to a ... test server,” and returning the “results generated by the

equipment ... through the central server to the httpd user interface.” Refer to Robertson abstract. However, Robertson is silent with respect to “**associating each output with one of the predetermined inputs**,” as Applicants recite in new independent claim 28. While Robertson discloses forwarding information to, and returning information from a test server, the results (e.g. output) of Robertson are not associated with the inputs, “establishing a proper response from the application to compare with results from a second instance of the application,” as claimed by Applicants.

Because Robertson fails to disclose each and every element in as complete detail as Applicants recite in new independent claim 28, Applicants respectfully submit that claim 28 is not anticipated by Robertson and is in condition for allowance. New independent claims 37 and 46 recite similar limitations. New dependent claims 32-36, 38, 41-45, 47, and 50-54 directly or indirectly incorporate all the limitations of the independent base claims upon which they depend, and thus, for at least the reasons stated above, are not anticipated by Robertson and are in condition for allowance.

New dependent claims 30, 39, and 48:

New dependent claim 30 recites in pertinent part:

translating the plurality of predetermined inputs and associated outputs into a **geographic-neutral and linguistic-neutral format** based on a predefined Extensible Markup Language (“XML”) schema.

The Office Action relies on Robertson in its rejection of now canceled dependent claim 2 as disclosing “converting ... results into a location and/or language-neutral format prior to storing (col. 7, lines 37-42). Refer to the Office Action at page 3. Applicants respectfully disagree. Robertson does describe translating commands from “a standardized format into

commands in the non-standardized format of the test equipment,” but is silent with respect to “a geographic-neutral and linguistic-neutral format,” as Applicants recite in new dependent claim 30. For example, the “standardized format” of Robertson refers to syntactical rules of a computer language used with the “test equipment” and not to the syntactical rules of a **geography**, such as a numerical values expressed in accordance with Central European syntax versus the same numerical value expressed in accordance with North American syntax. Refer to paragraph [0040] of the specification as originally filed.

Because Robertson fails to disclose each and every element in as complete detail as Applicants recite in new dependent claim 30, Applicants respectfully submit that claim 30 is not anticipated by Robertson and is in condition for allowance. New dependent claims 39 and 48 recite a similar limitation, and therefore, are in condition for allowance for at least the same reasons.

New dependent claims 31, 40, and 49:

New dependent claim 31 recites in pertinent part: “comparing the presentation layer output with the plurality of outputs from the first instance of the application.”

The Office Action relies on Robertson in its rejection of now canceled independent claim 8 as disclosing “comparing the business layer results to recorded business layer results … (col. 4, lines 56-63) and (col. 8, lines 1-7).” Refer to the Office Action at page 4. Applicants respectfully disagree. Robertson does disclose a “scripter” to perform “higher level data functions, including … data comparisons” at col. 4, lines 61-62 and further describes a “<test>” attribute having therein a child element of “<compare>” at col. 7, lines 1-7, as pointed out by the Examiner. However, “functions[] including … data comparisons,” as disclosed by Robertson is not the same as “comparing the presentation layer output with the plurality of outputs from the first

instance of the application,” as Applicants recite. More specifically, Robertson is silent with respect to what data is being compared, only disclosing that “data comparisons” are possible.

Because Robertson fails to disclose each and every element in as complete detail as Applicants recite in new dependent claim 31, Applicants respectfully submit that claim 31 is not anticipated by Robertson and is in condition for allowance. New dependent claims 40 and 49 recite a similar limitation, and therefore, are in condition for allowance for at least the same reasons.

Accordingly, Applicants respectfully request the Examiner to withdraw the rejection to now canceled claims 1-27 and allow new claims 28-54.

New claims 28-54

Applicants respectfully submit that new claims 28-54 are in condition for allowance as discussed above with respect to the rejection of claims 1-27 under 35 U.S.C. § 102(e).

CONCLUSION

Given the above amendments and accompanying remarks, all claims pending in the application are in condition for allowance. If the undersigned attorney has overlooked subject matter in any of the cited references that is relevant to allowance of the claims, the Examiner is requested to specifically point out where such subject matter may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (503) 439-8778.

Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

/Paul A. Mendonsa/
Paul A. Mendonsa
Registration No. 42,879
Attorney for Applicants

Date: September 14, 2007

Blakely, Sokoloff, Taylor & Zafman LLP
1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
Telephone: (503) 439-8778
Facsimile: (503) 439-6073